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From:
John M. May

Fax Number:
(213) 680-4518

Phone Number:
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OFFICE OF PETRO

Re:
S.N. 09/776,174
Our Docket 7425-113

Date/Time sent:
7/27/04 3:43 PM

No. of Pages:

1 + 2 + 3 = 6

Client Name:

Client Matter No.:
10307148

If you do not receive all of the pages, please contact Sandra Carr at
(213) 892-9231.

TO BE COMPLETED BY FAX OPERATOR

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7425-113 / 10307148

09/776,174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 27 2004

In re the Application of:

B.J. Hawkins

Serial No.: 09/776,174

Filed: February 2, 2001

For: A REQUISITION PROCESS AND
SYSTEM

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OFFICE OF PETITIONS

Group Art Unit: 3629

Examiner: Nguyen, T.

Via Facsimile: (703) 872-9306

Attn: Steven Meyers

Special Programs Examiner

OFFICIAL

**Renewed Petition to Withdraw the
Holding of Abandonment Under 37 C.F.R. 1.81.**

Mail Stop: Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Decision on Petition to Withdraw the Holding of Abandonment dated June 22, 2004.

Applicant hereby requests reconsideration of the noted Petition to Withdraw the Holding of Abandonment under 37 C.F.R. 1.181 including the previously submitted copies of "Amendment Transmittal" with Certificate of Mailing, "Amendment and Response" and Postcard Receipt, all of which are now part of the official file (in the form of a Letter with enclosures filed February 25, 2004) and are hereby incorporated by reference.

Enclosed is a statement under 37 C.F.R. 1.8(b)(3) attesting to the personal knowledge of mailing the original response on the date indicated on the Certificate of Mailing by the person who signed the original certificate. Accordingly, this Petition should now be Granted, and such favorable action is hereby respectfully solicited.

In the event the enclosed Statement is deemed in any way deficient, please Grant this Petition in the alternative on the basis that the papers were timely filed (with a one month extension) on 29 September 2003 (the stamped date on the Postcard receipt), it being noted that Page 2 of the previously submitted "Amendment Transmittal" (separately identified on the Post Card receipt) stated

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09/776,174

"If an additional extension of time is required, please consider this a petition therefor."

The PAIR database indicates that a Petition Fee was paid on 2-25-2004. It is noted that no such Petition Fee is payable on a Petition to Withdraw a Holding of Abandonment. Please review the fees previously charged, and refund any improperly charged fee.

Also, upon Grant of this Petition, please verify that the official PAIR database reflects the actual date of receipt (29 September 2003) of the Response to the 23 June 2003 Office Action.

Respectfully submitted,

Fulbright & Jaworski

Dated: 7-27-04

By: 
John M. May

Enclosures

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09/776,174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

B.J. Hawkins

Serial No.: 09/776,174

Filed: February 2, 2001

For: A REQUISITION PROCESS AND
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Group Art Unit: 3629

Examiner: Nguyen, T.

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OFFICE OF PETITIONS

DECLARATION

I, Saundra L. Carr, do declare and state as follows:

1. All statements herein are made based on my own personal knowledge, except where it is indicated that a statement is based on information and belief. All statements made of my own knowledge are true, and all statements made on information and belief is believed to be true.
2. I am the person who signed the Certificate of Mailing on the Amendment dated September 23, 2003 and caused same to be mailed on that date to the U.S. Patent and Trademark Office. Attached hereto is a copy of the return postcard stamped by the PTO.
3. To the best of my recollection and consistent with my usual practice, I sealed the envelope addressed to the Patent and Trademark Office and placed it in our Mailroom for postage and mailing. Attached is an email from our Accounting Department verifying that postage was posted to this matter on that date.

I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of this patent application or any patent issuing thereon.

Dated: 7-27-2004By: Saundra L. Carr
Saundra L. Carr

Carr, Sandra

From: Pauloo, Linda
Sent: Tuesday, July 27, 2004 3:24 PM
To: Carr, Sandra
Subject: OFS Postage

Sandra, John May said let you know that we have a postage charge of \$.83 on matter #10307148 on 9/23/2004. This is your docket #7426-113XX. Thanks, Linda

Ju1-27-04

03:59pm From:fulbright

+2136804518

T-330 P.006/006 F-372

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: B.J. Hawkins
Serial No. 09/776,174
Filed: February 2, 2001

Attorney: JOHN M. MAY
Docket: 7425-113 / 10307148
Date of Deposit: September 23, 2003



Enclosures: Amendment Transmittal, Amendment and Response, Postcard



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7-22-04

Ref. for
reconsider

In re Application of
B.J. Hawkins
Application No. 09/776,174
Filed: February 2, 2001
For: REQUISITION PROCESS AND SYSTEM

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's letter filed February 25, 2004 in the United States Patent and Trademark Office, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **DISMISSED**.

A review of the file record reveals that a Notice of Abandonment was mailed February 9, 2004 because of applicant's failure to reply to the non-final Office action mailed June 23, 2003.

Petitioner has provided a copy of a response to the non-final Office action that was filed on September 23, 2003 by mail with a Certificate of Mailing dated September 23, 2003. A copy of a postcard receipt has also been provided indicating receipt of the response by the Office on September 29, 2003. Applicant must rely on the Certificate of Mailing date to show that the response was timely filed on September 23, 2003.

Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must provide the following:

- (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of mailing the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above, the petition fails under requirement (2) to provide a proper statement under 37 CFR 1.8(b)(3) attesting to personal knowledge of mailing the original response on the date indicated on the certificate, by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/mjz: 5/17/04